

EXHIBIT 4

AHMED ELZEIN vs ASCENSION GENESYS HOSPITAL
PAWLACZYK, BARBARA 10/13/2023

Job 26456

Page 1		Page 3	
UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN			
AHMED ELZEIN, Plaintiff, Case No. 22-cv-12352 v Hon. Sean F. Cox		I N D E X	
ASCENSION GENESYS HOSPITAL, Magistrate Judge: Defendant. Curtis Ivy, Jr.		WITNESS: BARBARA PAWLACZYK Examination by Mr. Stempien	
DEPOSITION OF: BARBARA PAWLACZYK (VIA ZOOM)		PAGE 4	
DATE: October 13, 2023 TIME: 2:12 p.m. LOCATION: Fortz Legal Support, LLC 25 Division Avenue South, Suite 325 Grand Rapids, Michigan REPORTER: Kelly M. Kane, CSR-1470		E X H I B I T S	
		NUMBER	
1		Deposition Exhibit Number 5	
2		Deposition Exhibit Number 11	
3		Deposition Exhibit Number 12	
4		Deposition Exhibit Number 14	
5		Deposition Exhibit Number 16	
6		(Exhibits were retained.)	
7		14	
8		15	
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19		Page 2	
20		Page 4	
21		APPEARANCES:	
22		1	
23		Grand Rapids, Michigan	
24		2	
25		October 13, 2023, 2:12 p.m.	
1		3	
2		* * *	
3		4	
4		COURT REPORTER: Counsel, before I swear in the	
5		5 witness do you agree that I can administer the oath	
6		6 although I am in a remote location from the witness?	
7		7 MR. STEMPIEN: For Plaintiff, no objection.	
8		8 MR. WASLAWSKI: Dan Waslawski for Defendant,	
9		9 agreed.	
10		10 BARBARA PAWLACZYK, MD,	
11		11 having been first duly sworn to tell the truth, the whole	
12		12 truth, and nothing but the truth, was examined and	
13		13 testified as follows:	
14		14 E X A M I N A T I O N	
15		15 BY MR. STEMPIEN:	
16		16 Q. Ma'am, would you please state and spell your full name?	
17		17 A. Barbara Pawlaczek. So it's B-a-r-b-a-r-a, and my last name	
18		18 is, P, like Peter, a-w-l-a-c-z-y-k.	
19		19 MR. STEMPIEN: Let the record reflect that this is	
20		20 the discovery deposition of Dr. Barbara Pawlaczek, taken	
21		21 pursuant to Notice, to be used for all purposes allowed	
22		22 under the Rules of Procedure and the Rules of Evidence.	
23		23 BY MR. STEMPIEN:	
24		24 Q. Dr. Pawlaczek – I'm going to butcher it, and I'm Polish so	
25		25 I should be able to get this right, but somehow I –	

1 (Pages 1 to 4)

<p style="text-align: center;">Page 25</p> <p>1 Q. Is it that you just don't recall what he told you? 2 A. I don't recall detailed conversation with him. 3 Q. Well, did Dr. Vogel tell you that he thought that Dr. Elzein 4 needed to go to the emergency room? 5 A. He said that would be beneficial for him to go to the 6 emergency room. 7 Q. Okay. And that's what I asked you before. What did he tell 8 you about Dr. Elzein's mental health? 9 A. Are you asking me -- I'm not sure if -- are you asking me 10 for his recommendations or his opinion about Dr. Elzein's 11 mental health? Like I'm not really sure of -- what are you 12 asking me right now. 13 Q. I'm asking you what Dr. Vogel told you. That's all I'm 14 asking you. 15 A. Well, so he said that will be beneficial for Dr. Elzein to 16 go to the emergency room to be evaluated. 17 Q. Do you recall anything else that Dr. Vogel told you? 18 A. If I recall correctly he said that he didn't know him that 19 well. 20 Q. That's just a couple too many pronouns, he and him. 21 A. Okay. 22 Q. So you're saying Dr. Vogel said -- and if I were to use 23 quotes, he said, "I don't know Dr. Elzein very well." Is 24 that what Dr. Vogel told you? 25 A. That's correct.</p>	<p style="text-align: center;">Page 27</p> <p>1 agreement. He asked us to -- he was in agreement to go to 2 the emergency room; however, he said that he would like one 3 of his friends to go to the emergency room together with 4 him, so he wanted to make a phone call. So we -- Dr. Baj, 5 she lent him a charger, because he wanted to charge his 6 phone, and then he called his friend. Or I don't know who 7 he called, but he called someone. 8 And when he came back to the table he said that he 9 would not go to the emergency room, that his friend advised 10 him not to go to the emergency room. 11 Q. And what did you tell him in response to that? 12 A. I told him that it would be in his best interest to go to 13 the emergency room because we were concerned about his 14 well-being, and we asked him why did he change his decision. 15 Q. And what did he tell you? 16 A. He said that his friend advised him not to go. He would not 17 give us any more explanation. 18 Q. And what did you do in response to that? 19 A. Again, we tried to -- we tried to continue the conversation 20 and tell him that it's in his best interest to be checked 21 and evaluated in the emergency room. 22 Q. And what happened when you did that? 23 A. He wanted to call his friend again. Because I think he 24 called him twice. And once he came back he said still that 25 he didn't want to go.</p>
<p style="text-align: center;">Page 26</p> <p>1 Q. Okay. What was your understanding of what he was saying to 2 you with that statement? 3 A. What was my understanding of -- 4 Q. Yes. So when Dr. Vogel said to you, "I don't know him very 5 well," what was your understanding of what he was saying to 6 you with that statement? 7 A. That it would be for Dr. Elzein's benefit to be evaluated in 8 the emergency room. 9 Q. Do you know if Dr. Vogel created any kind of written record 10 as a result of his interview with Dr. Elzein that day? 11 A. Not that I'm aware of. 12 Q. Did you ever hear Dr. Vogel tell Dr. Elzein that he should 13 go to the emergency room? 14 A. I don't recall hearing that. 15 Q. Did Dr. Vogel leave the area then after you had this 16 conversation with him? 17 A. Yes. 18 Q. Was Dr. Baj with you when Dr. Vogel made these statements to 19 you? 20 A. I don't know if she -- she was with me all the time, but I 21 don't know if she was -- I don't recall if she was next to 22 me when Dr. Vogel and I had this discussion. 23 Q. After Dr. Vogel leaves, what happens next? 24 A. At the beginning, when we said -- when we asked Dr. Elzein 25 to go to the emergency room to be checked, he was in</p>	<p style="text-align: center;">Page 28</p> <p>1 Q. And what action, if any, did you take as a result of that? 2 A. So I called Dr. Vosburgh, who is an associate employee, 3 associate health employee, seeking his advice on the next 4 steps. 5 Q. And what did Dr. Vosburgh tell you? 6 A. Dr. Vosburgh advised me to take Dr. Elzein to the emergency 7 room. 8 Q. Despite his refusal to go? 9 Did you -- well, let me just ask you, did you tell 10 Dr. Vosburgh that Dr. Elzein said he did not want to go to 11 the emergency room? 12 A. That's correct. 13 Q. And Dr. Vosburgh said to take him there anyway, correct? 14 A. Yes. 15 Q. Why did you include Dr. Vosburgh in this situation? 16 A. Dr. Vosburgh -- I called him because he already was familiar 17 with Dr. Elzein's underperformance. 18 Q. As far as you know is Dr. Vosburgh a psychiatrist? 19 A. No. 20 Q. Is he a mental health professional in any way? 21 A. No. 22 Q. Do you believe he was at all qualified to make that call as 23 to whether he should go to the emergency room? 24 A. Yes. 25 Q. Did Dr. Vosburgh talk to Dr. Elzein?</p>

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<p>1 A. At that time or --</p> <p>2 Q. Right, at the table, I mean, when you guys are still in the</p> <p>3 food court.</p> <p>4 A. Not that I'm aware of.</p> <p>5 Q. All right. So after Dr. Vosburgh says take Dr. Elzein to</p> <p>6 the emergency room, what happened?</p> <p>7 A. I continued -- Dr. Baj and I continued conversation with</p> <p>8 Dr. Elzein, trying to convince him to go to the emergency</p> <p>9 room for his own safety, because we were concerned about his</p> <p>10 safety.</p> <p>11 So Dr. Vosburgh told me that if Dr. Elzein would</p> <p>12 not like to go by himself then I should call for some</p> <p>13 assistance, maybe from the security, that would help me to</p> <p>14 escort Dr. Elzein to the emergency room.</p> <p>15 Q. Did Dr. Vosburgh have the authority to have somebody</p> <p>16 involuntarily taken to the emergency room?</p> <p>17 MR. WASLAWSKI: Objection, lack of foundation.</p> <p>18 You can go ahead and answer, Doctor.</p> <p>19 THE WITNESS: Did you say that's okay for me to</p> <p>20 answer?</p> <p>21 MR. WASLAWSKI: Yes, you can answer, you can</p> <p>22 answer.</p> <p>23 THE WITNESS: Okay. Thank you.</p> <p>24 I'm not aware of Dr. Vosburgh's privileges, if I</p> <p>25 may call it this way.</p>	<p>1 it needed to be done forcibly. That was the reason that you</p> <p>2 wanted to include security, correct?</p> <p>3 A. I wanted to get -- I wanted security to assist if needed.</p> <p>4 But what that assistance would entail, I don't know.</p> <p>5 Q. What did you tell the security guard at the entrance?</p> <p>6 A. I asked them to -- I did tell them that we may need help to</p> <p>7 escort Dr. Elzein to the emergency room.</p> <p>8 Q. What action, if any, did security take as a result of that</p> <p>9 request?</p> <p>10 A. They just -- they just approached -- they were nearby the</p> <p>11 table where we were sitting, but they -- basically they were</p> <p>12 standing up close to other people.</p> <p>13 Q. How many security guards?</p> <p>14 A. If I recall correctly there was one, I think there was one.</p> <p>15 Q. Did that security guard interact with Dr. Elzein, that you</p> <p>16 saw?</p> <p>17 A. Not that I recall, no.</p> <p>18 MR. WASLAWSKI: Eric, when you finish up this line</p> <p>19 of questioning regarding security can we just take a brief</p> <p>20 five-minute break?</p> <p>21 MR. STEMPIEN: Yes, that's a good idea.</p> <p>22 BY MR. STEMPIEN:</p> <p>23 Q. All right. So what happened once the security guard came</p> <p>24 over to the table?</p> <p>25 A. We continued our conversation with Dr. Elzein, because at</p>
<p style="text-align: center;">Page 30</p> <p>1 BY MR. STEMPIEN:</p> <p>2 Q. Dr. Pawlaczky, do you have the authority to have Dr. Elzein</p> <p>3 taken to the emergency room against his will?</p> <p>4 A. I think that I have responsibilities for my residents and</p> <p>5 for their safety and their well-being.</p> <p>6 Q. And you did in fact call security, correct?</p> <p>7 A. I'm sorry?</p> <p>8 Q. You did in fact call security, right?</p> <p>9 A. There was a security officer at the entrance, and so I asked</p> <p>10 for assistance.</p> <p>11 Q. Right. You went to security and brought them into the</p> <p>12 situation, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And were you prepared, if necessary, to have Dr. Elzein</p> <p>15 forcibly taken to the emergency room?</p> <p>16 A. I didn't know what to expect.</p> <p>17 Q. What was the purpose of having security come over to</p> <p>18 Dr. Elzein?</p> <p>19 A. To escort him to the emergency room if needed.</p> <p>20 Q. Forcibly, correct?</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. People don't normally have to have security escort</p> <p>23 them to the emergency room, correct?</p> <p>24 A. I don't -- I'm sorry, I don't know.</p> <p>25 Q. Well, the reason to include security was because -- in case</p>	<p style="text-align: center;">Page 32</p> <p>1 times he appeared like he was willing to go to the emergency</p> <p>2 room and at times it looked like he did not.</p> <p>3 Q. Okay. I understand. So you had that conversation, and then</p> <p>4 what happened while you were continuing to talk to him? At</p> <p>5 some point did he agree to go?</p> <p>6 A. Yes, he did.</p> <p>7 Q. And that was at a time when the security guard was already</p> <p>8 standing over by the table, correct?</p> <p>9 A. Not -- the security guard was maybe like three or five feet</p> <p>10 away. So he was not standing, like, right at the table.</p> <p>11 Q. Do you know if Dr. Elzein saw the security guard come over</p> <p>12 to the table?</p> <p>13 A. I think he did.</p> <p>14 Q. Once he agreed to go to the emergency room did you then take</p> <p>15 him over to the emergency room?</p> <p>16 A. Yes.</p> <p>17 Q. And who was escorting him? Was it just you?</p> <p>18 A. It was me and Dr. Baj.</p> <p>19 Q. Did the security guard go with you?</p> <p>20 A. No.</p> <p>21 Q. Did Dr. Elzein walk under his own power?</p> <p>22 A. Yes.</p> <p>23 MR. STEMPIEN: All right. Why don't we take a</p> <p>24 break here and we can pick it up in about five, seven</p> <p>25 minutes. What time is it? About 3:05. So between five and</p>

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<p>1 Q. Okay. You don't recall whether he said that, but in this 2 interview either you or Helena told Marney that Dr. Elzein 3 had not mentioned the hospitalization to employee health, 4 correct?</p> <p>5 A. Right.</p> <p>6 Q. If you could -- we're going to come back to this, but if you 7 could open Exhibit 11 for me.</p> <p>8 A. Sure.</p> <p>9 Yes, I found it and opened it.</p> <p>10 Q. Okay. If you could take a look at it and just let me know 11 when you're done.</p> <p>12 A. (Witness complies.)</p> <p>13 Yes, I'm done reading.</p> <p>14 Q. Okay. Have you ever seen Exhibit 11 before?</p> <p>15 A. No.</p> <p>16 Q. Did Dr. Elzein give you a copy of this?</p> <p>17 A. Oh, I'm sorry, I'll take it back. I did -- I did see that he sent it to me back in December.</p> <p>18 Q. All right. So a little bit later on he gave it to you?</p> <p>19 A. Not -- he emailed it to Helena.</p> <p>20 Q. He emailed it, is that what you said?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So he emailed it. All right. And did Helena show it 23 to you?</p> <p>24 A. Yes.</p>	<p>1 A. I didn't know.</p> <p>2 Q. You knew he was in a hospital, you just didn't know which 3 one; would that be accurate?</p> <p>4 A. Yes.</p> <p>5 Q. All right. And so -- but subsequently you've come to know 6 that that was the hospital where he was an inpatient, 7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. The last sentence of the first paragraph states that he can 10 return to work on 11/23/20 with no restrictions, correct?</p> <p>11 A. Yes.</p> <p>12 Q. All right. So, Doctor, this is a letter from his treating 13 facility for the condition that he was being treated for 14 when he was on his medical leave indicating he was cleared 15 to return to work November 23rd without restrictions, 16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. This letter was insufficient for Ascension to be able to bring him back, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And why?</p> <p>21 A. Because Ascension requires the letter to be written by a physician. And also the process that we have at Ascension Genesys Hospital requires an employee to be seen by associate health for employee to be cleared to come back to</p>
<p style="text-align: center;">Page 70</p> <p>1 Q. And Helena, what was her position in November-December of 2 '22?</p> <p>3 A. Program manager.</p> <p>4 Q. Was she one of your direct reports?</p> <p>5 A. She works with me but she does not report to me.</p> <p>6 Q. Is that for internal medicine residency? Is that -- she's a 7 program manager over internal medicine --</p> <p>8 A. Yes.</p> <p>9 Q. -- residency?</p> <p>10 A. Yes.</p> <p>11 Q. What's the difference between a program manager and a 12 program director?</p> <p>13 A. The program director is a physician who is in charge of the -- of the program; program manager is the -- provides administrative support.</p> <p>14 Q. All right. So this is a letter from Havenwyck Hospital 15 regarding Dr. Elzein, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And Dr. Elzein -- that's where he was treated after he left 18 the emergency department on November 11th, correct?</p> <p>19 A. According to the letter, yes.</p> <p>20 Q. Did you know that he had been hospitalized at Havenwyck 21 before you saw Exhibit 11 in December?</p> <p>22 A. No.</p> <p>23 Q. Nobody told you where he had been hospitalized?</p>	<p style="text-align: center;">Page 72</p> <p>1 work.</p> <p>2 Q. Did you ever tell Dr. Elzein that this letter was insufficient only because it was signed by a social worker?</p> <p>3 A. No.</p> <p>4 Q. Why not?</p> <p>5 A. I never had a conversation with Dr. Elzein about this letter. The letter was sent -- was forwarded to us in December.</p> <p>6 Q. And by "us" you're referring to you and Helena, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. You don't know when Marney might have received it, do 9 you?</p> <p>10 A. No.</p> <p>11 Q. You don't know -- well, do you know if -- were you aware 12 that Dr. Elzein gave this letter to Dr. Tajour, the 13 physician at employee health?</p> <p>14 A. I have -- I don't know.</p> <p>15 Q. And do you know who Dr. Yoon is that's referenced in 16 Exhibit 11?</p> <p>17 A. I don't know her or him. I don't know.</p> <p>18 Q. It's a him.</p> <p>19 A. Okay.</p> <p>20 Q. So what I want you to assume is Dr. Yoon is a psychiatrist 21 at Havenwyck Hospital.</p> <p>22 Q. So if this letter had been signed by Dr. Yoon</p>